IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI, GOA

WRIT PETITION NO.136 OF 2007

1. Shri Digambar Narayan Desai,
   son of Narayan Desai,
   47 years of age,
   resident of House no.230,
   Bela Bai, Vasco-da-Gama, Goa.

2. Shri Joquim Joao Andrade,
   son of Joao Andrade,
   44 years of age,
   resident of Chircon, Huddi,
   Bela Bai, Vasco-da-Gama, Goa. ... Petitioners.

Versus

1. The Registrar of Co-operative Societies
   having his office at Mala,
   Panaji-Goa.

2. Shri Suresh L. Chari,
   major of age,
   having his office at C/o Garrison
   Engineer (NW),
   Vasco-da-Gama, Goa.

3. Shri Ravi Suryavanshi,
   major of age,
   CBE (NW), Shantinagar,
   Vasco-da-Gama, Goa.

4. Shri Arun Redkar,
   major of age,
   having his office at C/o Garrison
   Engineer (NW),
   Vasco-da-Gama, Goa.

5. Shri V. Satyanarayan,
major of age,
having his office at C/o Garrison
Engineer (NW),
Vasco-da-Gama, Goa.

6. Shri Chandrakant Bandekar,
major of age,
having his office at C/o Garrison
Engineer (NW),
Vasco-da-Gama, Goa.

7. Shri Sudan S. Narse,
major of age,
having his office at CBE (NW),
Vasco-da-Gama, Goa.

8. Shri Subeyhya V. Dassan,
major of age,
having his office at C/o Garrison
Engineer (NW),
Vasco-da-Gama, Goa.

9. Shri Krishna N. Naik,
major of age,
having his office at C/o Garrison
Engineer (NW),
Vasco-da-Gama, Goa.

10. Shri Rohidas N. Halarnkar,
major of age,
having his office at GE (Gomantak)
Mangor hill,
Vasco-da-Gama, Goa.

11. MES Employees Consumers Co-operative
Society Ltd., a Co-operative Society
registered under the Maharashtra
Co-operative Societies Act, 1960 as
applied to the State of Goa, having
office at C/o Garrison Engineer (NW),
Vasco-da-Gama, Goa, represented
through its Secretary. ... Respondents.

Mr. A.V. Nigalye, Advocate for the Petitioners.

Mr. G. Shirodkar, AGA for the Respondent no.1.

Mr. G.K. Sardesai, Advocate for the Respondent no.2 to 11.

Coram:- R.S. MOHITE, J.

Date:- 27th July, 2007

ORAL JUDGMENT

Heard both sides finally.

2. This is a petition impugning the order dated 29.01.2007 issued by the Registrar of Co-operative Society of Government of Goa under section 77-A of the Maharashtra Co-operative Societies Act,1960 as in force in the State of Goa. By the impugned order the Registrar of Co-operative Society has appointed four members of the respondent no.11 Society to be on the Managing Committee of the MES Employees Consumers Co-operative Society Ltd., so as to constitute 9 members as required by under the Bye-law no.28 of the Bye-law of the Society. The petition is required to be allowed on the first point raised by the petitioner, i.e. that before passing the said order, the Registrar has not published a notice on the notice board at the head office of the Society inviting suggestions in respect to the proposed order within a fixed period and therefore no objections could be filed before him. The fact that no such

notice is published is admitted by the Advocate appearing for the Registrar.

3. In the circumstances the rule is made absolute in terms of prayer clause (a). It is clarified that no fresh order under section 77-A of the Maharashtra Co-oprative Societies Act will be passed by the Registrar unless he is satisfied that the case clearly falls within one of the clauses of section 77-A(1).

R. S. MOHITE, J.

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